

Wetlands Bureau Decision Report

Decisions Taken
10/03/2005 to 10/09/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-02045 FAR ECHO HARBOR CLUB, STEVEN KELLEHER
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Amend permit to reflect the addition of the tie off piles and ice clusters.

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE AMENDMENT:

Amend permit to read: Reconfigure an existing 2252 sq ft 50 slip major docking facility by permanently removing it and replacing it with a 2177 sq ft 50 slip major docking facility consisting of a one 3 ft 9 in by 143 ft piling pier with twelve 2 ft x 20 ft piling supported finger piers located southerly and a 3 ft 9 in by 157 ft piling pier with fourteen 2 ft by 20 ft piling supported fingers piers to the north, install four ice clusters at the lakeward end of the docking facilities on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans dated August 5, 2005 as received by the Department on October 6, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow for maintenance dredging.
7. The northern dock shall not extend more than 157 ft lakeward and the southern dock shall not extend more than 143 ft lakeward at full lake elevation of 504.32.
8. The minimum clear spacing between piles shall be 12 feet.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 640 feet of frontage along Lake Winnepesaukee.
3. The existing docking structure was previously approved by the Department and Governor and Council.
4. The proposed docking facility will provide the same number of slips but results in less construction surface area over public submerged lands and therefore meets the requirements of Rule Wt 402.20.
5. Public hearing is waived based on field inspection, by NH DES staff, on August 6, 2004 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2004-02051 SMSD REALTY TRUST, SUSAN WELLS TTEE
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to reflect as-built dimensions.

Conservation Commission/Staff Comments:

Con. Com. did not object to application.

APPROVE AMENDMENT:

Amend permit to read: Fill 1056 sq ft to construct 70 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, a 4 ft x 16 ft 8 in cantilevered pier extending from a 4 ft x 44 ft cantilevered pier accessed by a 4 ft x 20 ft walkway on an average of 237 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction, as received by the Department on September 28, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The amended dimensions are within the allowable limits established in Chapter Wt 400, Shoreline structures.
3. The amended dimensions will not increase the number of slips provided by the docking facility.
4. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
5. Public hearing is waived based on field inspection, by NH DES staff, on December 28, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. Field inspection on December 28, 2004 found no obvious evidence of sand migration along this shoreline.

Requested Action:

Construct a 6 ft by 40 ft seasonal dock attached to the existing shoreline boulders on 585 ft of frontage with an existing 6 ft by 31 ft permanent dock attached to a 6 ft by 26 ft permanent dock by a 3 ft 6 in by 12 ft permanent walkway on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com concerned about wetland impacts for dock access, trees have been cut on frontage for installation of dock, and brush in a small stream

APPROVE PERMIT:

Construct a 6 ft by 40 ft seasonal dock attached to the existing shoreline boulders on 585 ft of frontage with an existing 6 ft by 31 ft permanent dock attached to a 6 ft by 26 ft permanent dock by a 3 ft 6 in by 12 ft permanent walkway on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on June 13, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Existing rocks shall be used for the dock anchor.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction of a major docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on September 27, 2005. Field inspection determined the dock will not significantly impact the waterbody.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2005-01670 MORSE, STEPHEN
ALTON Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 33 ft piling pier to be connected to an existing 6 ft x 36 ft cantilevered pier and 34 linear ft breakwater by a 4 ft x 12 ft walkway in a "U" configuration on 100 ft of frontage in Alton, Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 6 ft x 33 ft piling pier to be connected to an existing 6 ft x 36 ft cantilevered pier and 34 linear ft breakwater by a 4 ft x 12 ft walkway in a "U" configuration on 100 ft of frontage in Alton, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 7, 2005, as received by the

Department on September 7, 2005.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. These shall be the only structures on this water frontage and all portions of the new dock construction shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. This permit does not allow construction within both abutting 20 ft property line setback imaginary line extensional areas.
6. Proposed easterly piling pier shall not extend more than 33 ft lakeward from the reference line (lake elevation 504.32).
7. In accordance with Administrative Rule 402.12, this docking facility shall not provide more than 2 boat slips as defined in RSA 482-A:2 VIII.(a).
8. Any further alteration of areas on this property not indicated on the plans submitted that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), modification of a docking facility that includes a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.12.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2003-02037 BLAKE ROAD REALTY TRUST OF 2003
EPPING Unnamed Wetland

Requested Action:

Approve name change to: 123 Blake Road Realty LLC, 603 Old Mammoth Rd., Londonderry NH 03053 per request received 10/03/2005.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated January 10, 2004 the Epping Conservation Commission expressed its dissatisfaction with the proposal to protect land on-site via deed restrictions on individual lots to compensate for proposed wetlands impacts. The Conservation Commission recommended the following two alternatives: 1) creation of a contiguous single-owner conservation parcel; or 2) a financial contribution toward the purchase of other conservation property in Epping.

In a letter to the DES Wetlands Bureau dated September 25, 2003 the Epping Conservation Commission requested a number of items including the following: 1) a written functional assessment of all wetlands on the property; 2) a discussion of specific project alternatives; 3) an alternate method of compensatory mitigation for wetlands impacts; and 4) additional information regarding Rule Wt 302.04(a)(2, 4, 5, 7, 11, 13, 14, 17 & 19).

Inspection Date: 01/16/2004 by Christian P Williams

APPROVE NAME CHANGE:

Dredge and fill approximately 14,575 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 44-lot residential subdivision on approximately 123.08 acres. Fill approximately 1,600 square feet within forested wetlands to install a 15-inch diameter culvert and construct a driveway to provide access to a single lot (Lot 1) within the 44-lot subdivision.

As compensatory mitigation for wetlands and surface waters impacts preserve approximately 60.49 acres of wetlands and contiguous upland buffer on-site.

With Conditions:

1. All work shall be in accordance with the following plans by Jones & Beach Engineers, Inc.:
 - a) The Subdivision Plan (Sheets 2 & 3 of 18), the Easement Plan (Sheets 4 & 5 of 18), and the Topography and Soils Plan (Sheets 8 & 9 of 18) dated October 1, 2002 and revised June 24, 2004, as received by the Department on July 23, 2004;
 - b) The Roadway Plan and Profile (Sheets 11 - 15 of 18) dated October 1, 2002 with various revision dates, as received by the Department on July 23, 2004;
 - c) The General Details (Sheets 16 & 17 of 18) and the Erosion and Sediment Control Details (Sheet 18 of 18) dated October 1, 2002 and revised May 14, 2004, as received by the Department on July 23, 2004; and
 - d) The Existing Conditions Plan (Sheets 6 & 7 of 19) dated October 1, 2002 and revised November 13, 2003, as received by the Department on March 18, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
24. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
25. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

Upland Buffer and Wetland Preservation:

26. This permit is contingent upon preservation of approximately 60.49 acres on-site, as depicted as open space areas A , B, & C on the Easement Plan (Sheets 4 & 5 of 18) by Jones & Beach Engineers, Inc. dated October 1, 2002 and revised June 24, 2004, as received by the Department on July 23, 2004.
27. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to the Town of Epping shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
28. Trails construction and maintenance activities, as referenced in Section 3B (Reserved Rights) of the Warranty Deed, shall be conducted in accordance with the Best Management Practices for Erosion Control During Trail Maintenance and Construction, NH Department of Resources and Economic Development Division of Parks and Recreation, 1994 (updated 2004).
29. The plan noting the open space/preservation areas with a copy of the final Warranty Deed shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
30. The applicant shall prepare a report summarizing existing conditions within the open space/preservation areas. Said report shall contain photographic documentation of the open space/preservation areas, and shall be submitted to the DES Wetlands Bureau and the grantee prior to construction to serve as a baseline for future monitoring of the these areas.
31. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
32. Signs to indicate the location of and restrictions on the open space/preservation areas shall be posted no further than every 150 feet along the boundaries of the open space/preservation areas prior to construction.
33. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the open space/preservation area signs.
34. Activities in contravention of the Warranty Deed shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2004-02929 DAVIS, NORMAN
DUBLIN Unnamed Wetland

Requested Action:

Dredge and fill 8,415 square feet of palustrine forested wetlands to construct one of two access roads and a driveway for a proposed 15-Lot subdivision. Additional work to include construction of two bridges which span jurisdictional wetlands for the second access road.

Conservation Commission/Staff Comments:

The Conservation Commission on January 20, 2005, expressed concerns for the potential development pressures related to the proposed subdivision and associated impacts to wetlands.

Inspection Date: 04/25/2005 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 8,415 square feet of palustrine forested wetlands to construct one of two access roads and a driveway for a proposed 15-Lot subdivision. Additional work to include construction of two bridges which span jurisdictional wetlands for the second access road.

With Conditions:

1. All work shall be in accordance with plans by Souhegan Valley Engineering, Inc.; subdivision plan, as received by the Department on October 6, 2005; and sheets 2, 3, 6 and 7 revised 8/29/05, and sheets 4 and 5 revised 8/15/05, as received by the Department on September 8, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final bridge construction plans. Those plans shall detail the timing and method of construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low or non flow conditions.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 25, 2005. Field inspection determined the application accurately documents the site. Alternatives may exist for reducing impacts through road realignment.
6. Original application requested 33,133 sq ft of impacts, requiring mitigation.
7. The applicant revised the roadway layout to reduce impacts to 8,415 sq ft., and incorporated bridge crossings to avoid impacts to wetlands.
8. The Department has determined the project as proposed will have minimal impact on the associated wetlands.

2004-02987 HIGGINS, FRANCES
DERRY Unnamed Wetland

Requested Action:

Dredge and fill 9,968 square feet of palustrine forested wetlands to include placement of lined box culverts for stream crossings to provide access for a 33-Lot subdivision

Conservation Commission/Staff Comments:

Conservation commissions request for a 40 day hold was untimely; No comments submitted as of 02/11/05.

January 11, 2005 letter submitted on behalf of the NHF&G Department recommended the use of open bottom culverts.

On May 6, 2005, the conservation commission submitted comments requesting the use of open bottom culverts per comments submitted by the NHF&G Department.

Inspection Date: 06/07/2005 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 9,968 square feet of palustrine forested wetlands to include placement of lined box culverts for stream crossings to provide access for a 33-Lot subdivision

With Conditions:

1. All work shall be in accordance with plans by Granite State Engineering, LLC plan sheets 1-7 dated September 30, 2004, plan sheets 8, 9, 16-20, and 23-29 revised February 14, 2005, as received by the Department on August 24, 2005, and sheets 10-15 and 21-22A revised September 12, 2005, as received by the Department on September 19, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff and the NHF&G Department conducted a field inspection of the proposed project on June 6, 2005. Field inspection determined additional wetland clarifications would be required, requiring potential changes to the proposed road designs.
6. The NHF&G Department has recommended the use of open bottom culverts at stream crossings.
7. The applicant submitted revised plans identify additional jurisdictional wetlands noted in the DES field inspection.

8. The applicant has revised stream crossings for the installation of box culverts with natural material lining the bottoms to simulate existing conditions.

2004-03058 WAL-MART STORES INC
ROCHESTER Unnamed Wetland

Requested Action:

Fill approximately 12,332 square feet of wetlands for the expansion of an existing Wal-Mart store. Provide mitigation in the form of a conservation easement on approximately 18.45 acres of land located along the Cocheco River.

APPROVE PERMIT:

Fill approximately 12,332 square feet of wetlands for the expansion of an existing Wal-Mart store. Provide mitigation in the form of a conservation easement on approximately 18.45 acres of land located along the Cocheco River.

With Conditions:

1. All work shall be in accordance with plans by Sain Associates dated October 21, 2004, as received by the Department on December 20, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
4. There shall be no further alteration of wetlands for lot development.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The boundary plan noting the conservation easement area shall be recorded within 10 days from receipt of this decision and a certified receipt from the Strafford County Registry of Deeds shall be submitted to the DES Wetlands Bureau.
7. Culvert outlets shall be properly rip rapped.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

Wetland Preservation:

15. This permit is contingent upon the execution of the Modification and Amendment to Easement Deed between Infinity Rochester Properties Limited Partnership and the City of Rochester. A copy of the final language shall be recorded with the Strafford County Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
16. This permit is contingent upon the execution of a conservation easement on approximately 18.45 acres of land within the Henderson parcel as depicted on the boundary/easement plan by Hayner/Swanson, Inc. dated received August 15, 2005.

17. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
18. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Strafford County Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
19. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
21. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands.
2. Permit #1994-1095 was issued for the fill of 40,950 square feet of wetlands for construction of the retail store.
3. The previous permit included a conservation area located on the development site to be deeded to the City of Rochester.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspection of the proposed project. Field inspection determined the plans accurately depict the wetlands on site and that the proposed activities will not have a significant impact on the aquatic resources.
8. The previous easement had limited value and longterm environmental benefit.
9. The proposed conservation easement along the Cocheco River is within the Henderson parcel that was purchased by the City for future conservation and water supply protection.
10. The proposed conservation easement has greater conservation value than the on-site easement which will be extinguished as a part of this permit.

2005-00949 WALLACE, GREG & J FROHNHOEFER III
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 9745 square feet of palustrine forested wetland for access in a proposed 7 lot single family residential subdivision.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE PERMIT:

Dredge and fill 9745 square feet of palustrine forested wetland for access in a proposed 7 lot single family residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan and Associates PC dated March 8, 2005, and revised through August 31, 2005 as received by the Department on September 6, 2005, and Subdivision Plans by David M. Dolan and Associates PC dated February 29, 2005, and revised through April 29, 2005, as received by the Department on September 6, 2005.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The only access into the property is from Ossipee Mountain Rd.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has utilized the path of the existing woods road, has 2:1 slopes and is installing a closed drainage system to avoid and minimize impacts.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has addressed all of the requirements of Wt 304.09(a).
8. The conservation commission was concerned that more wetlands were located on the site than were being illustrated on the plan. The wetlands were delineated by a Certified Wetland Scientist and the plans have been stamped by that Wetland Scientist.

Requested Action:

Amend permit to replace pilings as needed.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE AMENDMENT:

Amend permit to read: Extend an existing permanent piling supported dock 8 ft 6 in to create a docking structure consisting of a 36.3 ft by 5.9 ft piling supported dock adjacent to a 39 ft by 6 ft piling supported dock connected to shore by a 14.6 ft by 4 ft walkway, permanently remove 24 ft of existing retaining wall and restore the shoreline to a natural condition by installing stone behind the location of the existing wall on 288 ft of frontage on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants dated April 2005, revision date October 3, 2005, as received by the Department on October 4, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged material from the shoreline restoration shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The shoreline restoration work shall be done during drawdown.
6. The shoreline restoration shall be constructed landward of the shoreline defined by the existing wall so as not to create land in public water.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. The minimum clear spacing between piles shall be 12 feet.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction or modification of a docking structure that provides for 4 boatslips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has submitted water depths to justify the requested length of the dock.
5. The proposed dock extension does not add any boatslips to the existing structure.
6. The proposed project addresses the compliance issues as noted in file # 1999-1422.
7. The submitted plan shows the restored shoreline entirely behind the existing shoreline as delineated by the existing retaining wall.

2005-00995

ANDROSCOGGIN VALLEY REGIONAL REFUSE DISPOSAL DIST

BERLIN Unnamed Wetland

Requested Action:

Fill 16,160 square feet of previously disturbed wetland to expand an existing transfer station. Mitigate impacts by executing a conservation easement on 31.2 acres of undeveloped land.

APPROVE PERMIT:

Fill 16,160 square feet of previously disturbed wetland to expand an existing transfer station. Mitigate impacts by executing a conservation easement on 31.2 acres of undeveloped land.

With Conditions:

1. All work shall be in accordance with plans by Woodlot Alternatives, Inc. dated May 10, 2005, as received by the Department on May 13, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

MITIGATION CONDITIONS:

14. This permit is contingent upon the execution of a conservation easement on 31.2 acres of land as depicted on plans received May 13, 2005.
15. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
17. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
18. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
19. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
20. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01079 HABERSTROH, BRIAN
NEWINGTON Little Bay

Requested Action:

Excavate, regrade and otherwise alter terrain on 5,434 sq. ft. of previously impacted upland tidal buffer zone for the construction of stone walls, walkways, stairs and patio areas and including basement walkout doorways; the latter being located a minimum of 75 feet from the highest observable tide line. All disturbed slopes will be stabilized with plantings of indigenous vegetation.

Conservation Commission/Staff Comments:

The Newington Conservation Commission voted to recommend denial of the application until the NHDES determines that certain impacts are clearly identified on a plan or in permit conditions so as to be enforceable and demonstrated to meet the criteria for approval.

The applicant has provided information to DES staff to address the concerns of the Commission.

Inspection Date: 03/08/2005 by Frank D Richardson

APPROVE PERMIT:

Excavate, regrade and otherwise alter terrain on 5,434 sq. ft. of previously impacted upland tidal buffer zone for the construction of stone walls, walkways, stairs and patio areas and including basement walkout doorways; the latter being located a minimum of 75 feet from the highest observable tide line. All disturbed slopes will be stabilized with plantings of indigenous vegetation.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 8/05, as received by the Department on August 30, 2005 and architectural plans by 'architectural planners' dated 10-2-05 as received by the Department On October 03, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Wetlands Bureau staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Exceptional precautions will be taken to protect the integrity of the shoreline from any form of adverse impact during the implementation of this permit.
11. No construction materials whatsoever will be stored or temporarily stockpiled at or waterward of the highest observable tide line.
12. A weekly photo log consisting of no less than three photos taken from the same three locations (one at each end and one at the middle of the frontage) shall be maintained during all phases of construction and submitted monthly to the DES Wetlands Bureau staff and to the Newington Conservation Commission.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a)& (b), alteration of terrain and construction activities within 100 feet of the highest observable tide line.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 08, 2005. Field inspection determined that the applicants initial proposal would have resulted in excessive and unnecessary impacts to the shoreline and tidal buffer zone.
6. The applicant has provided revised plans and considerable reduction of previously proposed impacts to areas in NH DES Wetlands jurisdiction to the extent that the project as approved is reasonable and avoids unnecessary impacts.

2005-01371 MOWER, JAMES & MARY
KINGSTON Great Pond

2005-01392 SCHMIDT, RICHARD
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct a 4 ft by 30 ft permanent dock supported by a 4 ft by 4 ft crib attached to an existing docking structure consisting of a 70 ft breakwater in a "L" shaped configuration with a 4 ft by 32 ft cantilevered dock and a 5 ft by 36 ft cantilevered dock, remove an existing unpermitted 3 ft by 16 ft wharf accessed by a 8 ft wide access ramp, reset 10 sqft of rocks on end of breakwater, reduce the dock width to 6 ft at the shoreward end of the structure, dredge 12 cy from 468 ft of slip area, and install two 12 ft by 30 ft seasonal canopies on 140 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no concerns

NH NHI and NH F & G will not be submitting comments

APPROVE PERMIT:

Construct a 4 ft by 30 ft permanent dock supported by a 4 ft by 4 ft crib attached to an existing docking structure consisting of a 70 ft breakwater in a "L" shaped configuration with a 4 ft by 32 ft cantilevered dock and a 5 ft by 36 ft cantilevered dock, remove an existing unpermitted 3 ft by 16 ft wharf accessed by a 8 ft wide access ramp, reset 10 sqft of rocks on end of breakwater, reduce the dock width to 6 ft at the shoreward end of the structure, dredge 12 cy from 468 ft of slip area, and install two 12 ft by 30 ft seasonal canopies on 140 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 1, 2005, revision date September 8, 2005, as received by the Department on September 9, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Repair shall maintain existing size, location and configuration.

8. Breakwater repair shall maintain existing size, location and configuration. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. The minimum clear spacing between cribs shall be 12 feet.
11. The maximum size of cribs shall not exceed 4 feet long by 4 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
12. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction of a dock attached to a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 3, 2005. Field inspection determined the proposed construction will not modify existing conditions.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2005-01422 DEMING, VIDA
HANOVER Connecticut River

Conservation Commission/Staff Comments:

The Conservation Commission did not comment on the proposed project.

The Connecticut River Joint Commissions did not comment on the proposed project.

APPROVE PERMIT:

Stabilize 45 linear feet (approximately 900 sq. ft.) of bed and bank of the Connecticut River, to include stone and vegetative stabilization of the upper slope and stone protection at the toe of the slope.

With Conditions:

1. All work shall be in accordance with plans submitted by Quentin B. Deming, reference item numbers 8, 9, 10 and 15, as received by the Department on June 24, 2005.
2. Work shall be done during low flow conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.

10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. A post-construction report documenting the status of the stabilization area with photographs shall be submitted to the Department within 60 days of the completion of construction.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), (1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01627 BROWN, NORMAN
GREENVILLE Unnamed Wetland

Requested Action:

Request to impact 9,676 sq.ft. of wetlands to access buildable areas on the site for proposed site development plan for a temporary raw materials processing and distribution facility.

DENY PERMIT:

Request to impact 9,676 sq.ft. of wetlands to access buildable areas on the site for proposed site development plan for a temporary raw materials processing and distribution facility.

With Findings:

1. Wt 304.04 provides that the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
2. The applicant submitted a fax letter on August 15, 2005 from abutter Annette Magnifico attesting that she "does not concur with the wetland impacts proposed within 20 feet of my property line."
3. Commercial Site Development Plan last revised May 2, 2005 provides for an impact # 2 of 8,282 square feet directly adjacent to the affected abutter.
4. Wt 302.04(11) provides that the applicant shall demonstrate by plan and example that impacts upon abutting owners pursuant to RSA 482-A:11, II shall be considered.
5. Applicant's item # 11 (abutter impacts) does not adequately addressed to respond to the insufficient setback to property lines.

2005-01744 NH DEPT OF TRANSPORTATION
LEBANON Blodgett Brook

Requested Action:

Slipline twin 66 in. x 280 ft. culverts, construct headwalls and rip rap the inlets and outlets impacting 3,680 sq. ft. (2,690 sq. ft. temporary) of Blodgett Brook.

Conservation Commission/Staff Comments:

Cons. Comm. recommends approval

APPROVE PERMIT:

Slipline twin 66 in. x 280 ft. culverts, construct headwalls and rip rap the inlets and outlets impacting 3,680 sq. ft. (2,690 sq. ft. temporary) of Blodgett Brook. NHDOT project #13408.

With Conditions:

1. All work shall be in accordance with plans by the Louis Berger Group, Inc. dated 6/24/05, as received by the Department on July 26, 2005.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2005-01748 NH DEPT OF TRANSPORTATION
ASHLAND Unnamed Stream

Requested Action:

Impact 4,086 sq. ft. (2,900 sq. ft. temporary) of stream and forested wetland to slipline a 54 in. x 486 ft. culvert with a 48 in. pipe, construct a headwall and 30 ft. diameter outlet.

Conservation Commission/Staff Comments:

No comments from Rivers Comm.

APPROVE PERMIT:

Impact 4,086 sq. ft. (2,900 sq. ft. temporary) of stream and forested wetland to slipline a 54 in. x 486 ft. culvert with a 48 in. pipe, construct a headwall and 30 ft. diameter outlet. NHDOT project #13408.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by the Louis Berger Group, Inc. dated 6/24/05, as received by the Department on July 26, 2005 and
 - b. Corrected plans to be submitted prior to construction modifying the Wetland Impact Summary to reflect the plan.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwall shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2002-00769 NH FISH & GAME DEPARTMENT
CAMBRIDGE Umbagog Lake

Requested Action:

Correct plan date on permit.

Conservation Commission/Staff Comments:

No comments received from the Cambridge Conservation Commission.

APPROVE AMENDMENT:

Dredge and fill 1518 sqft of bank and bed to repair a public boat ramp on Umbagog Lake in Cambridge (damaged by winter ice movement) by replacing the existing 1-foot wide by 12-foot long concrete planks with larger, re-designed 3-foot wide by 12-foot long concrete planks, replace class "C" bedding stone and add a 4 ft by 4 ft by 12 ft concrete anchor at the most landward end of the boatramp.

With Conditions:

1. All work shall be in accordance with plans by the New Hampshire Fish & Game Department dated June 29, 2004, revision dated July 12, 2004, as received by the Department on February 28, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Work shall be conducted during low lake level conditions.
4. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Lake Umbagog.
6. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
7. The boat ramp shall be utilized indefinitely as a public access to Lake Umbagog and shall not change in use.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v).
2. The project was necessary to restore the safety and availability of this boat ramp on Umbagog Lake to full use by the public.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on 4/19/02.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. The proposed modifications of the planks will prevent future maintenance of the boat ramp.

2003-02652 DETELLIS, GEOFFREY
PELHAM Unnamed Wetland

Requested Action:

Request to amend permit to increase wetlands impact area for driveway crossing from 830 square feet to 1443 square feet, including installation of a 38' x 15" culvert, to meet town driveway shoulder width requirements.

Conservation Commission/Staff Comments:

Con. Com. recommends approval of amendment.

APPROVE AMENDMENT:

Dredge and fill 1443 square feet of wetlands, including installation of a 38' x 15" culvert, to construct a dual (side-by-side) driveway crossing to provide access to two (2) single family residential house lots totalling 14.94 acres.

With Conditions:

1. AMENDED: All work shall be in accordance with revised plans by Edward N. Herbert Assoc., Inc. dated 5/18/2004, and supporting statement from the Pelham Planning Department dated 9/12/2005, as received by the Department on January 31, 2005, and 9/16/2005, respectively.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.

2005-01051 NH DEPT OF TRANSPORTATION
WILTON Unnamed Stream

Requested Action:

Impact 300 sq. ft. of seasonal stream (196 sq. ft. temporary) to extend a 5 ft. x 33 ft. stone box culvert by 6 ft. at the inlet and by 4 ft. at the outlet to provide for wider shoulder width.

Conservation Commission/Staff Comments:

Cons. Comm. - No comments

APPROVE PERMIT:

Impact 300 sq. ft. of seasonal stream (196 sq. ft. temporary) to extend a 5 ft. x 33 ft. stone box culvert by 6 ft. at the inlet and by 4 ft. at the outlet to provide for wider shoulder width. NHDOT project #M414-2.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 2/11/05 as received by the Department on May 19, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Work shall be done during periods of low flow.

2005-01410 SUNSTEIN, DREW & DEBORAH TWOMBLY
GREENLAND Unnamed Wetland

Requested Action:

Approve after-the-fact request to dredge a total of 150 sq. ft. of freshwater wetland impacts for the dredging of a man-made ditch.

Inspection Date: 05/26/2005 by David A Price

APPROVE AFTER THE FACT:

Approve after-the-fact request to dredge a total of 150 sq. ft. of freshwater wetland impacts for the dredging of a man-made ditch.

With Conditions:

1. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. The work shall be in accordance with plans by Deborah Twombly, as received by the Department on September 2, 2005.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. The DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon completion.

With Findings:

1. The NH Fish and Game Department ("NHF&G"), Nongame and Endangered Wildlife Program identified the species Blanding's

turtle (*Emydoidea blandingii*) within the vicinity of the project. This species is listed as a species of concern. NHF&G supports the restoration of wetlands for the benefit of the Blanding's turtle.

2. On May 26, 2005, DES personnel conducted an inspection of the property and determined that the drainage ditch area adjacent to the driveway and Tidewater Farms Road was dredged at a depth that is not approvable in accordance with RSA 482-A and DES Administrative Rules Wt 100-800. This area will be regraded to more shallow contours and seeded with a wetland seed mix and, therefore have a minimal effect on the Blanding's turtle.

3. This is a minimum impact project per Wt 303.04.

4. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.

5. This impact was the result of a misinterpretation of the rules and the law contained in Wt 100-800 and RSA 482-A.

2005-01438 WEINHOLD, TERENCE
ALTON Merrymeeting River

Requested Action:

Retain a 6 ft x 30 ft seasonal pier, two boatlifts and two 10 ft x 30 ft seasonal canopies on 100 ft of frontage along the Merrymeeting River.

APPROVE AFTER THE FACT:

Retain a 6 ft x 30 ft seasonal pier, two boatlifts and two 10 ft x 30 ft seasonal canopies on 100 ft of frontage along the Merrymeeting River.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on July 21, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the water for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04 (a), installation of seasonal docking structures providing 2 slips.

2005-01774 AJ COLEMAN & SONS INC
OSSIPEE Unnamed Wetland Bearcamp River

Requested Action:

Fill 11,830 square feet of man-made wetland (complete with rubber liner) to remove a former bumper boat pond attraction and debris along Route 25.

APPROVE PERMIT:

Fill 11,830 square feet of man-made wetland (complete with rubber liner) to remove a former bumper boat pond attraction and debris along Route 25.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated July 2005, as received by the Department on August 2, 2005.

2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), as impacts are deemed to have minimal environmental impacts.
2. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2005-02330 PHELPS, STANLEY
DANBURY Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 2

2005-02331 MANIGONE, MARY
SUNAPEE Unnamed Stream

COMPLETE NOTIFICATION:
Sunapee Tax Map 215, Lot# 29

2005-02332 MOUNTAIN BROOK ESTATES LLC, JONATHAN VADURRO,MGR
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:
Wilmot Tax Map 11, Lot# 69

2005-02333 BLISS, RAYMOND & MARY
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 408, Lot# 60

2005-02336 BBC REALTY CORPORATION
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:

Campton Tax map 4, Lot# 22, 23, 24, 25, & 26

2005-02351 ALFRED QUIMBY FUND, PETER POHL TTEE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax Map R12, Lot# 51

2005-02352 PEREIRA, PETER
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Acworth Tax Map 16 26, Lot# 263 & 263D

2005-02354 DRED
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:

Effingham Pine River State Forest Timber Sale P3-271

EXPEDITED MINIMUM

2005-01331 MOWER, JAMES & MARY
KINGSTON Great Pond

Requested Action:

In-kind replacement to 73 linear feet of retaining wall with redi-rock on Great Pond

Conservation Commission/Staff Comments:

The Kingston Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

In-kind replacement to 73 linear feet of retaining wall with redi-rock on Great Pond

With Conditions:

1. All work shall be in accordance with plans by S.E.C & Associates, Inc. dated April 26, 2005, as received by the Department on June 15, 2005.
2. This permit supercedes the permit issued on August 1, 2005.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. This permit to replace existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

6. Repair shall maintain existing size, location and configuration.
7. Work shall be done in the dry.
8. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
11. All excavated material and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c) Repair or replacement of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Pursuant to Wt 304.04, the applicant received written consent from the abutter identified as Charles Birdsall (Kingston Tax Map U-5 Lot 34) concurring with any impacts within 20-feet of said owners property line.

2005-01590 ROBERTS, JOHN
TAMWORTH Unnamed Wetland

Requested Action:

Dredge and fill 484 square feet of wetlands and intermittent stream to install twin 15 in. x 30 ft. culverts, twin 15 in. x 20 ft. culverts, and fill for a third crossing, for a permanent logging road and trail for access on a 37-acre lot.

Conservation Commission/Staff Comments:

The Tamworth Conservation Commission signed the expedited application and made suggestions about the culvert length and addition of wingwalls at one inlet, which were reflected in the revised plans.

APPROVE PERMIT:

Dredge and fill 484 square feet of wetlands and intermittent stream to install twin 15 in. x 30 ft. culverts, twin 15 in. x 20 ft. culverts, and fill for a third crossing, for a permanent logging road and trail for access on a 37-acre lot.

With Conditions:

1. All work shall be in accordance with plans by Irene G. Garvey dated 8/24/05, as received by the Department on 8/24/05.
2. Work shall be done during low flow and seasonally dry conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. There shall be no further alteration of wetlands to create usable land for lot development.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

2005-01790 PIERMONT, TOWN OF
PIERMONT Unnamed Wetland

Requested Action:

Dredge & fill 2200 square feet of scrub-shrub wetlands to install a 30-inch x 47-foot HDPE culvert for access for the proposed upgrade of an existing wastewater treatment facility.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.,

APPROVE PERMIT:

Dredge & fill 2200 square feet of scrub-shrub wetlands to install a 30-inch x 47-foot HDPE culvert for access for the proposed upgrade of an existing wastewater treatment facility.

With Conditions:

1. All work shall be in accordance with plans by Woodard & Curran dated July 2005, as received by the Department on August 4, 2005.
2. Work shall be done under dry conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Culverts shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3000 square feet of swamp.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01798 FORTIER, JOSEPH & ALYSSA
WEST CHESTERFIELD Unnamed Wetland

Requested Action:

Dredge and fill 2,139 square feet to install a 15 inch x 20 foot culvert and widen existing driveway to provide for year-round access to proposed house.

APPROVE PERMIT:

Dredge and fill 2,139 square feet to install a 15 inch x 20 foot culvert and widen existing driveway to provide for year-round access to proposed house.

With Conditions:

1. All work shall be in accordance with plans by Connecticut Valley Environmental Services, Inc., dated July 11, 2005, as received

by the Department on August 5, 2005.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow and seasonally dry conditions.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done to create usable land for lot development.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

2005-01932 CANFIELD, MICHAEL
SANDWICH Unnamed Wetland

Requested Action:

Dredge and fill a total of 2440 square feet of wetlands further described as follows: Impact 940 square feet of palustrine forested wetland and 100 square feet (20 linear feet) of perennial stream for installation of a 30-inch x 20-foot corrugated steel culvert and 1000 square feet of palustrine scrub-shrub wetland for installation of a 12-inch x 20-foot steel culvert for access to a proposed single family residence.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE PERMIT:

Dredge and fill a total of 2440 square feet of wetlands further described as follows: Impact 940 square feet of palustrine forested wetland and 100 square feet (20 linear feet) of perennial stream for installation of a 30-inch x 20-foot corrugated steel culvert and 1000 square feet of palustrine scrub-shrub wetland for installation of a 12-inch x 20-foot steel culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Mike Canfield, as received by the Department on August 19, 2005.
2. Work shall be done in the dry.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. There shall be no excavation or operation of construction equipment in flowing water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Perennial stream crossing steel culvert shall be corrugated.
9. Culverts shall be laid at original grade.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert associated with fill to permit vehicular access to a piece of property for a single family building.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Sandwich Conservation Commission, in a letter to the Department dated August 17, 2005, as received by the Department on August 19, 2005 indicated that the wetland crossing may be longer than 60 feet, possibly as long as 75 feet. The initial diameter of the perennial stream crossing culvert to the Conservation Commission was 24 inches. The Conservation Commission recommended the use of a culvert with a diameter of 30 inches or more to accommodate spring flows.
6. The Conservation Commission conducted a second site visit and confirmed the wetland crossing was 60 feet.
7. The application submitted to the Department on August 19, 2005 proposed a 30-inch diameter culvert for the perennial stream crossing.

2005-01988 RAGNARSSON, AMBER/ANDERS
CHESTER Unnamed Wetland

Requested Action:

Impact a total of 4,323 square feet of forested wetland to include dredging 1,806 square feet to enlarge the existing pond and fill 2,517 square feet to construct a trail system for horseback riding and timber harvest.

Conservation Commission/Staff Comments:

The Chester Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 4,323 square feet of forested wetland to include dredging 1,806 square feet to enlarge the existing pond and fill 2,517 square feet to construct a trail system for horseback riding and timber harvest.

With Conditions:

1. All work shall be in accordance with the Proposed Development plan (Sheet 1 of 3) by Eric C. Mitchell & Assoc. Inc dated May 17, 2005 and revised August 25, 2005, as received by the Department on August 29, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. Work shall be conducted during (seasonal) low flow conditions, and during drawdown where practicable.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau;
7. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
8. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or

surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02066

SANGERMANO, DIANE

PLAINFIELD Unnamed Pond Unnamed Stream

Requested Action:

Dredge and fill approximately 200 square feet of wetlands, stream bed and bank to replace an existing 36-inch x 20-foot metal culvert with a 36-inch x 24-foot corrugated plastic culvert and upgrade an existing 12-inch x 20-foot metal culvert with a 18-inch x 24-foot corrugated plastic culvert and install 30-foot x 2-foot x 4.5-foot concrete headwalls.

APPROVE PERMIT:

Dredge and fill approximately 200 square feet of wetlands, stream bed and bank to replace an existing 36-inch x 20-foot metal culvert with a 36-inch x 24-foot corrugated plastic culvert and upgrade an existing 12-inch x 20-foot metal culvert with a 18-inch x 24-foot corrugated plastic culvert and install 30-foot x 2-foot x 4.5-foot concrete headwalls.

With Conditions:

1. All work shall be in accordance with plans submitted by Richard Caruso, as received by the Department on October 5, 2005.
2. Work shall be done in dry conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to and approved by the Department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Department.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the Department.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert for access.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2005-02085 RADIN, ROBERT & AMY
JAFFREY Thorndike Pond

Requested Action:

Remove a 37 ft 10 in by 5 ft 8 in deck over the water and attached to an existing house and retain a 37 ft 10 in by 12 ft with 4 ft deck over the bank with access stairs to the existing dock on Thorndike Pond, Jaffrey.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Remove a 37 ft 10 in by 5 ft 8 in deck over the water and attached to an existing house and retain a 37 ft 10 in by 12 ft with 4 ft deck over the bank with access stairs to the existing dock on Thorndike Pond, Jaffrey.

With Conditions:

1. All work shall be in accordance with plans by Fontenot Contracting Company Inc. dated July 15, 2005, as received by the Department on September 6, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a).

2005-02090 VOGEL, HELEN
DEERING Deering Lake

Requested Action:

Construct 36 ft of rock retaining wall and remove the existing railroad retaining wall on 60 ft of frontage on Deering Reservoir, Deering.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct 36 ft of rock retaining wall and remove the existing railroad retaining wall on 60 ft of frontage on Deering Reservoir, Deering.

With Conditions:

1. All work shall be in accordance with plans by Jim Morse, as received by the Department on September 7, 2005.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Work shall be done during drawdown.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that impact less than 50 feet along the shoreline of a lake or pond.

2005-02160 REYNOLDS, GERALD & TERESA
MILTON Unnamed Stream

TRAILS NOTIFICATION

2005-01419 MONADNOCK REGIONAL SCHOOL DISTRICT, WAYNE BARTELS
SWANZEY Unnamed Wetland

COMPLETE NOTIFICATION:
Swanzy Tax Map 34, Lot# 40

2005-02110 DRED
STEWARTSTOWN Unnamed Stream

2005-02338 CELMER, KENNETH & SUSAN
SALISBURY Unnamed Stream

COMPLETE NOTIFICATION:
Salsbury Tax Map 253, Lot# 2.1, 2.2 & 2.3

2005-02339 SHULTZ, KEVIN
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Farmington Tax Map/Lot# R45 / 1,2 & 4, R51 / 1, R59 / 27 & 27-2

2005-02356 STARKS, WILLIAM
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:

South Acworth Tax Map/Lot# 246/13 & 246,247/39

LAKES-SEASONAL DOCK NOTIF

2005-02360 LABRIE JR, ADRIEN
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:

Moulton boro Tax Map 6, Lot# 34 Lake Winnepesaukee

2005-02361 BURNETTE COTTAGE TRUST, WESTON BURNETTE TTEE
TUFTONBORO Lake Winnepesaukee

COMPLETE NOTIFICATION:

Tuftonboro Tax Map 28, Lot# 65 Lake Winnepesaukee

2005-02362 BARTLETT, RAYMOND & GENEVA
TUFTONBORO Mirror Lake

COMPLETE NOTIFICATION:

Tuftonboro Tax Map 52, Lot# 1 Mirror Lake

2005-02363 BECKER, ROGER & SARA
WEBSTER Walker Pond

COMPLETE NOTIFICATION:

Webster Tax Map 6, Lot # 16 Walker Pond

2005-02365 DIROSA JR, DOMENIC & LINDA
GILMANTON Shellcamp Lake

COMPLETE NOTIFICATION:

Gilmanton Tax Map 48, Lot # 11 Shellcamp Lake

SHORELAND VARIANCE / WAIV

2005-01262 GIBSON, ARTHUR
MEREDITH Lake Winnepesaukee

Requested Action:

To construct an 9 ft x 12 ft addition 4 ft closer to the reference line than the existing 900 sq ft nonconforming primary structure that is 40 ft from the reference line without a "more nearly conforming" proposal.

Inspection Date: 06/07/2005 by Chris T Brison

DENY CSPA WAIVER:

Request for a Shoreland Waiver to RSA 483-B:9, to construct an 9 ft x 12 ft addition 4 ft closer to the reference line than the existing 900 sq ft nonconforming primary structure that is 40 ft from the reference line without a "more nearly conforming" proposal.

With Findings:

Findings of Fact

1. On June 1, 2005 the Department received a Shoreland Waiver request to expand an existing nonconforming primary structure 4 ft further into the primary building setback.
2. On June 15, 2005 the Department sent a Request for More Information letter with a list of 19 required items to complete the file for Departmental review.
3. On June 27, 2005 the Department received an incomplete response to the Request for More Information Letter that addressed none of the requested 19 items.
4. On August 16, 2005, the Department sent a second Request for More Information, clearly stating the need for a complete response to the previous Request for More Information letter dated June 15, 2005 and informed the applicant that these documents are required in accordance with the new Shoreland Rules adopted April 21, 2005. The Department also enclosed a copy of Rule Env-Ws 1406.06.
5. On September 2, 2005, the Department received an incomplete response to the second Request for More Information letter dated August 16, 2005.
6. The 1"=20's scale indicated on the plans does not correspond to the dimensions as labeled.
7. The applicant failed to submit side profiles with their clearly labeled ridgeline heights of the existing and proposed nonconforming primary structures as required per Rule Env-Ws 1406.06.
8. The applicant failed submit a more nearly conforming proposal as requested per item #17 of the Request for More Information dated September 2, 2005 and required per RSA 483-B:11,II.
9. The applicant failed to submit a tree-plot plan showing all existing trees and an indication of trees to be cut for the project within the protected woodland buffer along with their labeled basal areas and species types as required per Rule Env-Ws 1406.06.
10. The applicant failed to show all other local and state setbacks on the plans as required per Rule Env-Ws 1406.06.
11. The applicant failed to submit plans for adequate erosion controls for the proposed soil disturbances within the 50 ft setback to the reference line as required per Rule Env-Ws 1406.06.
12. The applicant failed to submit plans with the locations of all existing and proposed structures and all other relevant features necessary to clearly define the project as required per Rule Env-Ws 1406.06.
13. The applicant failed to include an accurate scale on the plan as required per Rule Env-Ws 1406.06.

Standards for Approval

14. In accordance with Administrative Shoreland Rule Env-Ws 1406.09, Decision on Redevelopment Waiver Request, requests shall only be approved if the proposal is adequate to ensure that the intent of RSA 483-B is met.
15. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

Reasons for Decision

16. The proposal to encroach further into the primary building setback will not provide at least the same degree of protection to the public waters and therefore fails to meet the requirements of RSA 483-B:11,II.

17. The Applicant has failed to address all of the items required per Rule Env-Ws 1406.06, therefore the proposal is not adequate to ensure that the intent of RSA 483-B is met and is denied per Rule Env-Ws 1406.09.

2005-01874 HALEY, THOMAS & CARYL
WAKEFIELD Pine River Pond

Requested Action:

Install a new and improved septic system within 87 ft of the reference line.

APPROVE CSPA VARIANCE:

Install a new and improved septic system within 87 ft of the reference line.

With Conditions:

1. All work shall be conducted in accordance with plans by Mark E. McConkey, dated July 30, 2005 and received by the department on August 15, 2005.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The septic system is proposed to be installed within the septic setback to Pine River Pond in Wakefield and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.
4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

PERMIT BY NOTIFICATION

2005-01653 TRI-STATE BUILDING AND DEVELOPMENT LLC
LONDONDERRY Unnamed Wetland

Requested Action:

Construct a driveway with an 18" x 35' long plastic culvert to a single family home. Culvert will install is in a shallow intermittent lightly scoured stream allowing water to flow from an upslope forested wetland to a forested downslope wetland

PBN IS COMPLETE:

Construct a driveway with an 18" x 35' long plastic culvert to a single family home. Culvert will install is in a shallow intermittent lightly scoured stream allowing water to flow from an upslope forested wetland to a forested downslope wetland

2005-01918 MACDONALD, RICHARD
ALTON BAY Lake Winnepesaukee

2005-02223 FREEDOM, TOWN OF
FREEDOM Unnamed Stream Drainage Swale

Requested Action:

Roadway construction of approximately 4,090 feet of Shawtown Rd. Remove and replace 3 of 4 CMP culverts. one will be eliminated and one new culvert will be installed in a proposed grassed drainage swale beneath an existing driveway. Total wetland impact area is 1,200 sq.ft.

Conservation Commission/Staff Comments:

Conservation commission signed application

PBN IS COMPLETE:

Roadway construction of approximately 4,090 feet of Shawtown Rd. Remove and replace 3 of 4 CMP culverts. one will be eliminated and one new culvert will be installed in a proposed grassed drainage swale beneath an existing driveway. Total wetland impact area is 1,200 sq.ft.

2005-02257 WILLIAMS, BARRY
DOVER Roadside Ditch

Requested Action:

Temporarily impact 96 square feet of roadside drainage ditch to install utility lines.

Conservation Commission/Staff Comments:

The Dover Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 96 square feet of roadside drainage ditch to install utility lines.

2005-02292 FABIAN LIVING TRUST
STRAFFORD Unnamed Wetland Roadside Ditch

Requested Action:

Impact 100 sq.ft. of wetlands and install an 18"x20' culvert for driveway access, to a single family house lot.

Conservation Commission/Staff Comments:

Conservation Commission did not sign application

PBN IS COMPLETE:

Impact 100 sq.ft. of wetlands and install an 18"x20' culvert for driveway access, to a single family house lot.

2005-02294 CHILD DEV COUNCIL INC
KINGSTON Greenwood Pond

Requested Action:

Impact 200 square feet within the bank and bottom of Greenwood Pond to remove the existing failed dry hydrant and replace with new.

Conservation Commission/Staff Comments:

The Kingston Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 200 square feet within the bank and bottom of Greenwood Pond to remove the existing failed dry hydrant and replace with new.

2005-02312 BURDICK, JACK
NEW DURHAM Unnamed Wetland

Requested Action:

Wetland Impact is 60 sq.ft., 2-24" culverts.

Conservation Commission/Staff Comments:

Conservation Commission signed application

PBN IS COMPLETE:

Wetland Impact is 60 sq.ft., 2-24" culverts.

2005-02357 NH DEPT OF TRANSPORTATION
STRATHAM Winnicut River

Requested Action:

Repair concrete deck and spalls on the Winnicut Bridge having 2220 sq. ft. of temporary impacts for hand placed staging.

PBN IS COMPLETE:

Repair concrete deck and spalls on the Winnicut Bridge having 2220 sq. ft. of temporary impacts for hand placed staging.